

### **REMARKS**

Reconsideration of the application in light of the following remarks is respectfully requested.

#### **Status of the Claims**

Claims 1, 2, 6, 7, 11-17, 19-28 and 30-32 are pending in this application. Claims 3-5, 8-10, 18 and 29 have been previously canceled without prejudice to the subject matter therein. Claim 1 has been amended. No new matter has been added.

#### **Rejections under 35 U.S.C. § 102**

Claims 1, 2, 7, 26-28 and 32 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Japanese Patent No. JP 09-058650 to Tatsuhiko et al. ("Tatsuhiko").

Applicants thank the Examiner for the courtesy of a telephonic interview on November 9, 2009. Applicants had called the Examiner to seek clarification of the Examiner's statement in the Office Action mailed on July 22, 2009, which stated:

"as [claim 1 of the present application] is written there is nothing that limits where the second adhesive layer is in relation to the other layers. The claim only limits the positioning of the first adhesive layer being in contact with the coated surface of the base paper layer. The barrier layer and the second adhesive layer have to be present but are not limited as to where they are present."

(See, Detailed Action at p. 9, ¶ 41).

In particular, Applicants asked for the Examiner's view whether amending claim 1 to recite the location of the barrier layer and the second adhesive layer would be adequate to

overcome Tatsuhiko. Such a relationship between layers is shown at least in FIGs. 1-2 of the present application. The Examiner indicated that such an amendment would overcome the § 102(b) rejection over Tatsuhiko. Consequently, Applicants have amended claim 1 to recite the positional relationship of the barrier layer and the second adhesive layer with respect to the first adhesive layer and with respect to each other.

Nor does Tatsuhiko suggest the structure of amended claim 1 for the foregoing reasons. First, par. [0074] of the present application describes that polyethylene imine has been conventionally used as an anchor coating agent for adhering LDPE onto a difficult-to-adhesion substrate by extrusion lamination, but this requires a processing temperature of 300°C or higher. In contrast, the structure of amended claim 1 allows for a lower processing temperature (e.g., ¶¶ [0069], [0075]). Tatsuhiko does not recognize the benefit of providing a product that can be manufactured by a lower processing temperature, i.e., that processing temperature can be a results effective variable.

Second, nor does Tatsuhiko suggest the structure recited in amended claim 1, because Tatsuhiko does not recognize that without an outer adhesive layer to protect the barrier resin layer, the molten barrier resin layer easily degrades by oxidation while it is extruded from the extruder and adhered to the base paper, resulting in lowered barrier performance (see, e.g., par. [0012] of the present application).

Applicants submit that amended claim 1 is neither anticipated by, nor obvious over, Tatsuhiko. Applicants further submit that amended claim 1 is now allowable, and that claims 2, 7, 26-28 and 32 are allowable by reason of their dependency upon an allowable base claim. Applicants request reconsideration and withdrawal of the rejection under § 102(b).

**Rejections under 35 U.S.C. § 103**

Claims 6, 17, 30 and 31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tatsuhiko in view of U.S. Patent No. 5,358,785 to Akao et al. ("Akao"). Claims 11 and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tatsuhiko in view of U.S. Patent No. 5,942,320 to Miyake et al. ("Miyake"). Claim 13 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Tatsuhiko in view of Akao in further view of Miyake. Claims 14-16 and 19-25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tatsuhiko in view of International Publication No. WO 00/44632 to Frisk et al.

Claims 6, 11-17, 19-25, 30 and 31 depend upon base independent claim 1. Applicants submit that amended claim 1 is allowable for the reason set forth above in connection with the § 102(b) rejection. Applicants further submit that claims 6, 11-17, 19-25, 30 and 31 are allowable by reason of their dependency upon an allowable base independent claim.

**CONCLUSION**

Each and every point raised in the Office Action mailed July 22, 2009 has been addressed on the basis of the above remarks. In view of the foregoing it is believed that claims 1, 2, 6, 7, 11-17, 19-28 and 30-32 are in condition for allowance and it is respectfully requested that the application be reconsidered and that all pending claims be allowed and the case passed to issue.

If there are any other issues remaining which the Examiner believes could be resolved through a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

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Respectfully submitted,

By Alexander D. Walter

Alexander D. Walter

Registration No.: 60,419

DARBY & DARBY P.C.

P.O. Box 770

Church Street Station

New York, New York 10008-0770

(212) 527-7700

(212) 527-7701 (Fax)

Attorneys/Agents For Applicant